

EXHIBIT A



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April 16, 2024

VIA E-MAIL AND U.S. MAIL

Michael Miller
108 N. Reading Rd.
Suite 5, 246
Ephrata, PA 17522
reaganfive@protonmail.com

RE: *Miller v. County of Lancaster, et al.* (Middle District of Pennsylvania, 1:24-cv-00014-JPW-MCC)

Notice of Intent to File Motion for Sanctions Pursuant to Fed. R. Civ. P. 11 and Request for Withdrawal of Complaint within 21 Days

Dear Mr. Miller:

As you are aware, this law firm represents Lancaster County (the "County") in the above-captioned case. The County intends to file a Motion for Sanctions pursuant to Federal Rule of Civil Procedure 11 unless you withdraw the Complaint (Doc. No. 1) as to any claims asserted against Lancaster County within 21 days of the date of this letter. A copy of the County's Motion for Sanctions is enclosed with this letter in accordance with Federal Rule of Civil Procedure 11(c)(2).

Federal Rule of Civil Procedure 11 states in relevant part:

(b) Representations to the Court. By presenting to the court a pleading, written motion, or other paper--whether by signing, filing, submitting, or later advocating it--an attorney or unrepresented party certifies that to the best of the person's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances:

(1) it is not being presented for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation;

(2) the claims, defenses, and other legal contentions are warranted by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law or for establishing new law;

(3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and

Michael Miller
April 16, 2024
Page 2

(4) the denials of factual contentions are warranted on the evidence or, if specifically so identified, are reasonably based on belief or a lack of information.

As we have explained in the briefing in support of the County's Motion to Dismiss the Complaint (Doc. Nos. 17, 31), the claims you have asserted against the County lack factual and legal support. Your dissatisfaction with the outcome of your Right to Know Law ("RTKL") proceedings does not give rise to a federal civil rights claim; you have failed to plead any facts that would support a constitutional violation; and you have no basis to support a request for a declaratory judgment or any other legitimate claim for relief against the County. We have cited unambiguous case law supporting all these propositions and you have failed to offer any meritorious response. The County reasonably believes that you have filed this federal lawsuit for an improper purpose – mainly to harass and needlessly increase the County's costs of litigation. This concern is especially evident considering that you have been offered the opportunity to view the documents you have requested in your RTKL proceedings, but you simply refuse to do so under the reasonable accommodations offered by the County. You have also filed several frivolous documents in this litigation, which have necessitated review and analysis by the County's attorneys, further wasting time and resources.

By persisting with this lawsuit against the County without any factual or legal basis, you have violated Federal Rule of Civil Procedure 11 and are liable for sanctions. See Fed. R. Civ. P. 11(c). Accordingly, the County demands that you dismiss the Complaint against the County within 21 days of the date of this letter. If you refuse to do so, the County will seek sanctions against you under Rule 11(c) by filing the enclosed Motion. Sanctions may include all attorney's fees and costs that the County incurs in defending this action and obtaining an outcome in its favor.

Sincerely,



Sarah A. Hyser-Staub
MCNEES WALLACE & NURICK LLC

**UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA**

MICHAEL MILLER,	:	No. 1:24-cv-00014-JPW-MCC
Plaintiff,	:	
	:	
v.	:	(Judge Wilson)
	:	(Magistrate Judge Carlson)
COUNTY OF LANCASTER, <i>et al.</i> ,	:	
Defendants.	:	

ORDER

AND NOW, on this ____ day of ____ 2024, upon consideration of Defendant County of Lancaster's Motion for Sanctions Pursuant to Federal Rule of Civil Procedure 11, IT IS ORDERED THAT the Motion is GRANTED. IT IS FURTHER ORDERED THAT Plaintiff Michael Miller shall make payment to Defendant Lancaster County as reimbursement for reasonable attorneys' fees expended on defending the meritless claims lodged against it in the above-captioned action, in the amount of _____.

United States District Judge

**UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA**

MICHAEL MILLER,	:	No. 1:24-cv-00014-JPW-MCC
Plaintiff,	:	
	:	
v.	:	(Judge Wilson)
	:	(Magistrate Judge Carlson)
COUNTY OF LANCASTER, <i>et al.</i> ,	:	
Defendants.	:	(Electronically filed)

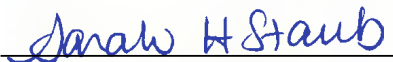
**DEFENDANT COUNTY OF LANCASTER’S
MOTION FOR SANCTIONS**

Defendant County of Lancaster (the “County”), by and through its undersigned counsel, moves for sanctions against Plaintiff Michael Miller (“Miller”) pursuant to Federal Rule of Civil Procedure 11. Miller initiated the above-captioned action against the County based on frivolous claims not supported by existing law and, therefore, has violated Fed. R. Civ. P. 11(b)(2). Miller was properly served notice (Ex. A) of the County’s intention to seek sanctions against Miller on April 16, 2024, pursuant to Fed. R. Civ. P. 11(c)(2), but Miller has refused to withdraw his baseless claims as to the County within the applicable 21-day safe harbor period (Ex. B). As a result, and for the reasons set forth in the County’s supporting brief, the Court should sanction Miller and order him to pay the County’s reasonable attorneys’ fees in defending this lawsuit, which are presently estimated to be approximately \$25,000.

WHEREFORE, Defendant County of Lancaster respectfully requests that this Court grant its Motion for Sanctions and award the County reasonable attorneys' fees incurred as a result of Plaintiff Michael Miller's misconduct.

Respectfully submitted,

McNEES WALLACE & NURICK LLC

By 
Sarah Hyser-Staub
PA I.D. No. 315989
100 Pine Street
Harrisburg, PA 17101
717-237-5473
sstaub@mcneeslaw.com

Dated:

CERTIFICATE OF NON-CONCURRENCE

I hereby certify that I sought the concurrence of Plaintiff in Defendant County of Lancaster's Motion for Sanctions. Plaintiff does not concur in the motion.

McNEES WALLACE & NURICK LLC

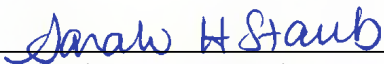
By 
Sarah Hyser-Staub
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717-237-5473
sstaub@mcneeslaw.com

Dated:

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the foregoing document on all parties and/or counsel of record by operation of the Court's electronic filing system.

McNEES WALLACE & NURICK LLC

By 
Sarah Hyser-Staub
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Dated: